

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

AN ACT
RELATING TO EDUCATION; CREATING THE SCHOOL LIBRARY MATERIAL
FUND AND REQUIRING THE INSTRUCTIONAL MATERIAL BUREAU OF THE
STATE DEPARTMENT OF PUBLIC EDUCATION TO ADMINISTER THE FUND;
ESTABLISHING REQUIREMENTS FOR ADMINISTRATION AND
DISTRIBUTION OF THE FUND; ESTABLISHING REQUIREMENTS FOR THE
SALE, LOSS OR RETURN OF SCHOOL LIBRARY MATERIAL; REQUIRING
SCHOOL DISTRICTS AND STATE INSTITUTIONS TO KEEP RECORDS OF
SCHOOL LIBRARY MATERIAL.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Public School Code is enacted to read:

"SHORT TITLE. -- This act may be cited as the "School Library Material Act". "

Section 2. A new section of the Public School Code is enacted to read:

"DEFINITIONS. -- As used in the School Library Material Act:

A. "additional student" means a student in the certified forty-day membership of the current year for a school district or state institution above the number certified in the forty-day membership of the prior year for the school district or state institution;

1 B. "bureau" means the instructional material
2 bureau of the department of education;

3 C. "fund" means the school library material
4 fund;

5 D. "library material processing" means
6 cataloging of school library material, including in
7 electronic format, according to nationally accepted
8 standards, and the application of bar code labels and call-
9 number classification labels to the material;

10 E. "membership" means the total enrollment of
11 qualified students on the fortieth day of the school year
12 entitled to the free use of school library material pursuant
13 to the School Library Material Act;

14 F. "qualified student" means a public school
15 student who:

16 (1) has not graduated from high school;

17 (2) is regularly enrolled in one-half or
18 more of the minimum course requirements approved by the
19 state board for public school students; and

20 (3) is at least five years of age prior to
21 12:01 a.m. on September 1 of the school year; or

22 (4) is at least three years of age at any
23 time during the school year and is receiving special
24 education services pursuant to regulation of the state
25 board; and

1 G. "school library material" means books and
2 other educational media, including online reference and
3 periodical databases, that are made available in a school
4 library to students for circulation and use in the library."

5 Section 3. A new section of the Public School Code is
6 enacted to read:

7 "School Library Material Fund--Creation.--The "school
8 library material fund" is created in the state treasury.
9 The purpose of the fund is to provide an account from which
10 the department of education may distribute money to school
11 districts and state institutions to pay for the cost of
12 purchasing school library material. The cost of purchasing
13 school library material may include shipping and handling
14 charges for the delivery of school library material. The
15 fund shall consist of appropriations, gifts, grants,
16 donations and bequests. Money in the fund shall be
17 appropriated to the department of education to pay for the
18 cost of purchasing school library material. Disbursements
19 from the fund shall be by warrant of the secretary of
20 finance and administration upon vouchers signed by the state
21 superintendent or his designated representative. Money in
22 the fund shall not revert to the general fund at the end of
23 a fiscal year."

24 Section 4. A new section of the Public School Code is
25 enacted to read:

1 "ADMINISTRATION OF THE SCHOOL LIBRARY MATERIAL FUND--
2 BUREAU--DUTIES.--Subject to the policies and rules of the
3 state board, the bureau shall:

4 A. administer the provisions of the School
5 Library Material Act;

6 B. enforce rules for the handling, safekeeping
7 and distribution of school library material and money from
8 the fund;

9 C. enforce inventory and accounting procedures
10 to be followed by school districts and state institutions;
11 and

12 D. withdraw or withhold the privilege of
13 participating in the free use of school library material in
14 case of noncompliance with the provisions of the School
15 Library Material Act or rules adopted pursuant to that act."

16 Section 5. A new section of the Public School Code is
17 enacted to read:

18 "STUDENTS ELIGIBLE--DISTRIBUTION.--

19 A. A qualified student or person eligible to
20 become a qualified student attending a public school or a
21 state institution in a grade from the first through the
22 twelfth grade of instruction is entitled to the free use of
23 school library material. A student enrolled in an early
24 childhood education program as defined in Section 22-13-3

25 NMSA 1978 is also entitled to the free use of school library

1 material.

2 B. A school district or state institution shall
3 purchase school library material as an agent for the benefit
4 of students entitled to the free use of school library
5 material.

6 C. A school district or state institution
7 receiving school library material pursuant to the School
8 Library Material Act is responsible for circulation of the
9 school library material for use by eligible students and for
10 the safekeeping of the school library material. "

11 Section 6. A new section of the Public School Code is
12 enacted to read:

13 "DISTRIBUTION OF MONEY FOR SCHOOL LIBRARY MATERIAL. --

14 A. On or before July 1 of each year, the
15 department of education shall distribute from the fund at
16 least ninety percent of the estimated entitlement for each
17 school district or state institution as determined from the
18 estimated forty-day membership for the next school year to
19 each school district and state institution. The entitlement
20 of a school district or state institution is the portion of
21 the total amount of the annual appropriation less a
22 deduction for a reasonable reserve for emergency expenses
23 that its forty-day membership bears to the forty-day
24 membership of the entire state. Additional students shall
25 be counted as six students for the purpose of the

1 allocation.

2 B. On or before January 15 of each year, the
3 department of education shall recompute each entitlement
4 using the forty-day membership for that year and shall
5 allocate the balance of the annual appropriation adjusting
6 for any over- or under-estimation made in the first
7 allocation.

8 C. The department of education shall establish
9 procedures to distribute funds directly to school districts
10 and state institutions.

11 D. A school district or state institution that
12 has funds remaining for the purchase of school library
13 material at the end of a fiscal year shall retain those
14 funds for expenditure in subsequent years. "

15 Section 7. A new section of the Public School Code is
16 enacted to read:

17 "SALE OR LOSS OR RETURN OF SCHOOL LIBRARY MATERIAL. --

18 A. With the approval of the bureau, school
19 library material acquired by a school district or state
20 institution pursuant to the School Library Material Act may
21 be sold at a price determined by officials of the school
22 district or state institution. The selling price shall not
23 exceed the cost of school library material to the state.

24 B. A school district or state institution may
25 hold a parent, guardian or student responsible for loss,

1 damage or destruction of school library material while the
2 school library material is in the possession of a student.
3 A school district may withhold the grades, diploma and
4 transcripts of a student responsible for damage or loss of
5 school library material until the parent, guardian or
6 student has paid for the damage or loss. When a parent,
7 guardian or student is unable for pay for the damage or
8 loss, the school district shall work with the parent,
9 guardian or student to develop an alternative program in
10 lieu of payment. Where a parent or guardian is determined
11 to be indigent according to guidelines established by the
12 state board, the school district shall bear the cost.

13 C. A school district or state institution that
14 has funds remaining for the purchase of school library
15 material at the end of a fiscal year shall retain the funds
16 for expenditure in subsequent years. "

17 Section 8. A new section of the Public School Code is
18 enacted to read:

19 "RECORD OF SCHOOL LIBRARY MATERIAL. --A school district
20 or state institution shall keep an accurate record of school
21 library material that includes a cost record. A school
22 district or state institution shall comply with record-
23 keeping procedures prescribed by the bureau. "

24 Section 9. A new section of the Public School Code is
25 enacted to read:

1 "ANNUAL REPORT. -- Annually, at a time specified by the
2 department of education, each local school district and
3 state institution acquiring school library material pursuant
4 to the School Library Material Act shall file a report with
5 the department of education. "

6 Section 10. A new section of the Public School Code is
7 enacted to read:

8 "REPORTS-- BUDGETS. --

9 A. Annually, the department of education shall
10 submit a budget for the next fiscal year to the department
11 of finance and administration showing expenditures for
12 school library material to be paid from the fund, including
13 reasonable shipping and handling charges and library
14 material processing expenses.

15 B. Upon request, the department of education
16 shall make reports to the state board concerning the
17 administration and execution of the School Library Material
18 Act. "

SB 627
Page 8

19
20
21
22
23
24
25